

I hereby certify that this Petition including Exhibits A-C are being transmitted by facsimile to (703) 872-9306 and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 13, 2004.

*Frederick N. Samuels*  
Frederick N. Samuels, Reg. No. 34715

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Atty. Docket No  
568.0001

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FEB 13 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: RANDALL S. MARSHALL

Serial No.: 09/422,107

Examiner: B. Layno

Filed: October 20, 1999

Group Art Unit: 3722

For: POSITIONAL LOTTERY BET SLIP AND CHART

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER**  
**37 C.F.R. 181 FOR FAILURE RESPOND TO OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed January 13, 2004, pursuant to 37 C.F.R. § 181, Applicant petitions and requests that the holding of abandonment in this application be withdrawn.

On or about June 5, 2003, an Office Action was mailed in connection with the referenced application. On September 5, 2003, a Petition for Extension of Time Under 37 C.F.R. §1.136(a)(2) was filed extending the time to respond to the Office Action was filed. A copy of that petition including the Patent Office date stamp is attached hereto as Exhibit A.

**OFFICIAL**

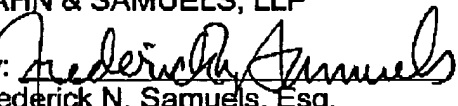
On December 2, 2003, Applicant filed a second Petition for Extension of Time and check number 5049 in the amount of \$270.00 to cover the petition fee. In addition, Applicant filed a continuation-in-part application on the same day that has now been assigned serial number 10/725,334. The Patent Office has already cashed the petition fee check. A copy of the second petition for extension of time and a copy of the date stamped postcard evidencing the filing of the second petition are attached hereto as Exhibits B and C, respectively.

In view of Applicant's timely filing of its Petition for Extension of Time and the Patent Office's receipt, acceptance and negotiation of the Petition Fee check, this application has been improperly held to be abandon. Accordingly, it is respectfully requested that the holding of abandonment be reversed.

Respectfully submitted,

CAHN & SAMUELS, LLP

Date: 2/13/04

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